

Remarks/Arguments:

The present invention relates to copyright protection. Specifically, copyright information is recorded on a medium before the data is recorded on the medium.

On page 2, the Official Action rejects claims 17, 18 and 19 under 35 U.S.C. 101. The Official Action states that the claims recite a computer readable program but do not indicate a computer readable medium for storing that program. Thus, Applicant has amended claims 17, 18 and 19 to recite a computer readable medium for storing a program. Withdrawal of the rejection is respectfully requested.

On page 2, the Official Action rejects claims 1-7, 9, 11, 13-20, 26, 28 and 32 under 35 U.S.C. 102(e) as being anticipated by Asano (US Patent No. 6,978,377). It is respectfully submitted, however, that the claims are patentable over the art of record for the reasons set forth below.

Asano teaches a system for copyright protection using control information. Specifically, the copyright protection information is received in a transmission along with the data.

Applicant's invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

... recording apparatus acquires copyright processing information from the recording medium related to copyright processing recorded on the recording medium and determines whether or not to record the content on the recording medium based on the copyright processing information.

Claim 1 relates to copyright processing information that is recorded on the recording medium before the data is recorded on the recording medium. Specifically, the copyright processing information is utilized to determine whether or not recording of data on to the recording medium is authorized. This feature is found in the originally filed application on page 11, lines 17-25. No new matter has been added.

Column 5, lines 59-66 of Asano teach that the data and copy control information is received from a transmission ("*upon receiving this music data from a satellite, the data transmission apparatus 10 judges in which of the five types of reproduction control mode (a)-(e) the data are. This is done by receiving through the satellite the four bits of copyright mode*").

Thus, Asano's system receives the copyright information along with the data. The copyright information is not recorded on the recording medium.

Applicant's claim is different than Asano, because the copyright information is recorded **on the recording medium** before the data is recorded on the recording medium ("*acquires copyright processing information from the recording medium related to copyright processing recording on the recording medium and determines whether or not to record the content on the recording medium based on the copyright processing information*"). By recording the copyright information on the recording medium before the data, **the copyright information recorded on the medium can be utilized to determine whether or not the data is authorized to be recorded on the medium**. This feature is disclosed on page 11, lines 17-25 of the specification ("*recording apparatus 101 determines whether or not recording medium A holds copyright processing information. Recording apparatus 101, on determining that recording medium A holds the information, reads content 1, and simply copies the whole of content 1 to recording medium A*"). Therefore, the recording apparatus **reads the copyright processing information from the recording medium**. Applicant's Fig. 4 shows an example wherein 8-bit copyright information is recorded on the inner diameter portion of a disk. By recording the copyright information on the disk, each disk will be protected from being utilized to record unauthorized data (unauthorized data cannot be recorded on the disk). In contrast, Asano teaches receiving the copyright information and data through a transmission (the copyright information is not acquired from the recording medium because the copyright information is not recorded on the recording medium).

It is because Applicant includes the feature of "*acquires copyright processing information from the recording medium related to copyright processing recorded on the recording medium and determines whether or not to record the content on the recording medium based on the copyright processing information*", the following advantages are achieved. An advantage is the ability to permit or not permit recording of data on a recording medium based on the copyright information already recorded on that recording medium. Accordingly, for the reasons set forth above, claim 1 is patentable over the art of record.

Claims 2, 3, 5, 6, 13, 16, 17, 18, 20 and 21 have been similarly amended to claim 1. Thus, claims 2, 3, 5, 6, 13, 16, 17, 18, 20 and 21 are also patentable over the art of record for the reasons set forth above.

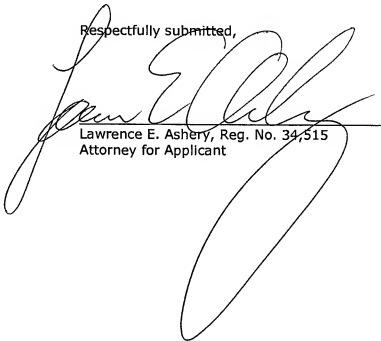
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Claims 4, 7-12, 14, 15, 19 and 22-36 include all of the features of the claims from which they depend. Thus, claims 4, 7-12, 14, 15, 19 and 22-36 are also patentable over the art of record for the reasons set forth above.

In view of the amendments and arguments set forth above, the above identified application is in the condition for allowance which action is respectfully requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Lawrence E. Ashery, is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

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